

NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.5122.B (Log #AQ177).

This proposed rule inserts the paragraph from 40 CFR 63.440(d)(1), with the compliance date changed to be consistent with state law. The federal law has a compliance date of April 17, 2006, allowing eight years. State law allows only six years, and the compliance date has been changed to December 20, 2004. When the regulations governing the pulp and paper industry for maximum achievable control technology were adopted by reference, this paragraph was excluded because the compliance date was not consistent with our state law, specifically R.S. 30:2070(N)(3). If this paragraph is not adopted the regulations would not be as stringent as the federal regulations, and we would not be able to obtain delegation from the U.S. Environmental Protection Agency. The basis and rationale for this proposed rule is to mirror the federal regulations as far as possible while complying with the state requirement as to compliance date.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on September 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ177. Such comments must be received no later than October 1, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ177.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen, PE
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

* * *

[See Prior Text in A]

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated from July 2, 1997, through December 31, 1997, and on April 15, 1998, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
* * *			
[See Prior Text in Subpart N-O]			
Subpart S	63 FR 18616	April 15, 1998	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry exclusive of paragraph 63.440(d)(1) <u>[In §63.440(d)(1), the requirement is modified to read, "Each kraft pulping system shall achieve compliance with the pulping system provisions of §63.443 for the equipment listed in §63.443(a)(1)(ii) through (a)(1)(v) as expeditiously as practicable, but in no event later than December 20, 2004, and the owners and operators shall establish dates, update dates, and report the dates for the milestones specified in §63.455(b)."]</u>
* * *			
[See Prior Text in Subpart U-Appendix A]			

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:*** (July 1998), LR 24:*** (July 1998), LR 24:***

LOG #:A0177

Effective: Upon Promulgation

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This rulemaking proposes the following:

Insert the following modified paragraph from CFR 40 63.440(d)(1).

(1) Each kraft pulping system shall achieve compliance with the pulping system provisions of Sec. 63.443 for the equipment listed in Sec. 63.443(a)(1)(ii) through (a)(1)(v) as expeditiously as practicable, but in no event later than **December 20, 2004** and the owners and operator shall establish dates, update dates, and report the dates for the milestones specified in Sec. 63.455(b).

Insert the above paragraph in place of the following paragraph taken directly from CFR 40 63.440.(d)(1) [NOTE, modified text shown in bold]:

(1) Each kraft pulping system shall achieve compliance with the pulping system provisions of Sec. 63.443 for the equipment listed in Sec. 63.443(a)(1)(ii) through (a)(1)(v) as expeditiously as practicable, but in no event later than **April 17, 2006** and the owners and operator shall establish dates, update dates, and report the dates for the milestones specified in Sec. 63.455(b).

The change in the compliance date is required because the state law allows only six (6) years. The federal regulation allowed eight (8) years.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

When the regulations governing pulp and paper industry for maximum achievable control technology were adopted by reference, this paragraph was deleted because the compliance date was not consistent with our state law, specifically R.S. 30:2060(N)(3). If this paragraph is not adopted the regulations would not be as stringent as the federal regulations and we would not be able to obtain delegation from the U.S. Environmental Protection Agency.

- C. Compliance with Act II of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, the proposed rule change will not result in any increase in the expenditure of funds. Only the compliance date is being changed to meet the requirements of the state law.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ No. If no, provide justification as to why this rule change should be published at this time.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED.

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There is no anticipated increase (decrease) in costs to implement this proposed action.

COSTS	FY 98-99	FY 99-00	FY 00-01
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.	0	0	0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

No additional sources of funding are required to implement this proposal.

SOURCE	FY 98-99	FY 99-00	FY 00-01
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

There is no expenditure of funds as a result of this proposed rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no impact on local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS.

A. What increase (decrease) in revenues can be anticipated from the proposed action?

No increase/decrease in revenues is anticipated from this proposal.

REVENUE INCREASE/DECREASE	FY 98-99	FY 99-00	FY 00-01
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	0	0	0

* Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions, and methods used in calculating these increases or decreases.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or nongovernmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No costs and no significant economic benefits for affected persons or nongovernmental groups are anticipated from this rulemaking. This rulemaking only promulgates federal rules to the state level and dates.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule change to these groups.

No significant impact on receipts and/or income is anticipated.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No impact on competition and employment in the public and private sectors is anticipated from this proposed rule.